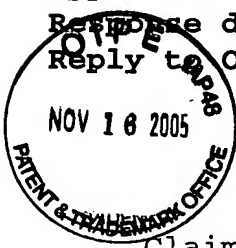


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REMARKS/ARGUMENTS

Claims 1-6 are pending in this application, of which claims 1 and 4 are independent. In view of the following remarks, Applicant respectfully requests reconsideration and a timely indication of allowance.

Rejections Under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-6 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Milstead (U.S. Patent No. 5,362,193) in view of what the Examiner refers to as "the admitted prior art." Applicant respectfully traverses this rejection. Claims 1 and 4 are each directed to a method for supporting a frac blender on a transport vehicle "in a manner permitting the frac blender to be moved between an upper stowed position and a lower operating position along a linear, vertical path."

Milstead discloses a plant assembly for producing asphalt. The plant assembly is transported in two sections, an upper subassembly 26 and a lower subassembly 28. As shown, for example in figure 3, in the transport position, the upper and lower subassemblies 26 and 28 are positioned horizontally adjacent to each other. In order to arrange the subassemblies into an operational position, first the upper subassembly 26 is "moved between the lowered transport position (FIG. 3) and a raised intermediate position as seen in dashed lines in FIG. 8" (col. 4, lines 60-62.) The upper subassembly 26 is then "rolled [horizontally] on the rollers 92 along the rails 90, 114, to the position immediately above the lower plant subassembly as seen

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in dashed lines [in FIG. 8.] The two subassemblies 26 and 28 may then be bolted together" (col. 5, lines 59-61.) The connected assembly may then be moved from the connected position of FIG. 8, to the raised operational position of FIG. 1 (col. 5, lines 17-32; col. 1, line 63- col. 2, line 9.)

As such, Milstead does not disclose, teach or suggest that its plant assembly is "moved between an upper stowed position and a lower operating position along a linear, vertical path" as specified in each of claims 1 and 4. Instead, in the stowed position of Milstead the plant assembly is separated into an upper portion 26 and a lower portion 28, which are positioned horizontally adjacent to each other. In moving from the stowed position to the operational position, the plant assembly is not simply moved along a linear, vertical path, as specified in each of claims 1 and 4. Rather, the upper portion 26 of the plant assembly is first moved vertically upward, then horizontally to a position above the lower portion 28. The portions 26 and 28 are then connected. Finally, the connected assembly is raised together to an operational position.

What the Examiner refers to as "the admitted prior art" includes a frac blender mounted on a hinged lift mechanism that moves through an arced path about a hinge to rotate the blender from an upper stowed position to a lower operating position. As such, the frac blender moves in an arc when transported from the stowed position to the operational position, not a "linear, vertical path," as specified in claims 1 and 4.

Consequently, the only reference which discloses, teaches or suggests moving a frac blender from an upper stowed position

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and a lower operating position along a linear, vertical path is the present application. As such, Milstead and what the Examiner refers to as "the admitted prior art" do not render either claim 1 or claim 4 obvious.

Claims 2-3 and 5-6 depend from claims 1 and 4, respectively. Claims 1 and 4 are now believed to be in condition for allowance over Milstead and what the Examiner refers to as "the admitted prior art". As such, Applicant submits that claims 2-3 and 5-6 are also allowable over Milstead and what the Examiner refers to as "the admitted prior art" as being dependent from an allowable base claim and for the additional limitations they contain therein. Accordingly, Applicant respectfully requests that the rejection of claims 1-6 over Milstead and what the Examiner refers to as "the admitted prior art" under 35 U.S.C. § 103(a) be withdrawn.

In view of the above remarks, Applicant respectfully submits that claims 1-6 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Should any additional fees be due, the Commissioner is hereby authorized to deduct said fees from Deposit Account No. 04-1579 (56.0745).

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Respectfully submitted,



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Transmission of Formal Drawings:

Enclosed are 11 sheets of replacement drawings. The replacement drawings are submitted as formal drawings to replace the corresponding informal drawings as originally filed. No amendments are made to the drawings.

Attachment: Replacement Sheets